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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DAVID CARLETON, an individual, )  
Plaintiff, ) Case No. CV 07-5924 (JSW)  
v. )  
504 GAP, INC. DISABILITY PLANS and )  
THE GAP, INC., in its capacity as Plan )  
Administrator, )  
Defendants. )  
\_\_\_\_\_  
)

The parties jointly submit the following Stipulation and Proposed Order, and respectfully present it for the Court's consideration and approval, removing this action from referral to Alternative Dispute Resolution.

## STIPULATION

The parties stipulate as follows.

6 1. The parties, by and through their respective counsel, have met and conferred regarding  
7 the potential for settlement. The parties believe that further discussions will prove fruitful either  
8 to resolve the case by agreement, or to determine that the case must be submitted to the Court for  
9 trial and judgment. The parties believe, however, that the assistance of a neutral mediator is  
10 unlikely to be significantly helpful in this relatively straightforward case..

11 2. Accordingly, the parties respectfully suggest that Mediation in this case would likely not  
12 be an effective or efficient use of the Court's ADR resources. Therefore, the parties jointly  
13 request that the Court remove this action from referral to Alternative Dispute Resolution under  
14 the Court's ADR program.

## GORDON & REES LLP

Date: May 14, 2008

By \_\_\_\_\_ /s/ by Ronald K. Alberts  
Ronald K. Alberts  
Attorneys for Defendants

BAUM & WEEMS

Date: May 14, 2008

By \_\_\_\_\_  
Julian M. Baum  
Attorneys for Plaintiff  
David Carleton

**DECLARATION RE CONCURRENCE OF SIGNATORIES**  
**UNITED STATES DISTRICT COURT, N.D. CAL.**  
**GENERAL ORDER 45**

The undersigned ECF filer hereby attests that concurrence in the filing of the foregoing document has been obtained from each of the other signatories whose signature is indicated by the notation “/s/ [name of signatory].”

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Dated: May 14, 2008 /s/ Julian M. Baum  
Julian M. Baum

## ORDER

The parties having stipulated as set forth above,

## IT IS SO ORDERED.

DATED: MAY \_\_\_\_\_, 2008

JEFFREY S. WHITE

UNITED STATES DISTRICT JUDGE